

Senate Bill No. 351

Passed the Senate August 30, 2006

Secretary of the Senate

Passed the Assembly August 23, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 351, Soto. Emergency services: derailment evacuation plans and training.

Existing law establishes the safety division of the Public Utilities Commission. The safety division is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description, by rail. Existing law requires the commission to require every railroad corporation operating in this state to develop, in consultation with, and with the approval of, the Office of Emergency Services, a protocol for rapid communications with that office and specified other agencies in the event of certain incidents threatening public safety.

The California Emergency Services Act authorizes cities, counties, and cities and counties to establish disaster councils by ordinance, to develop plans for meeting any condition constituting a local emergency or state of emergency, including earthquakes, natural or manmade disasters specific to that jurisdiction, or a state of war emergency.

This bill would require the Office of Emergency Services, with the appropriate assistance of the commission, to lead and coordinate, during the 2008 calendar year, a single joint exercise simulating a train derailment within the County of San Bernardino, and to request the participation of state, local, and private entities, including the rail carriers that transport hazardous materials utilizing railroad lines running through the county, according to procedures developed by the office and the commission, and subject to specified criteria. It would require the office, with the appropriate assistance of the commission, to report on the joint exercise to the Governor and the Legislature. It would also require each participating entity to bear its own

costs of participation, except that local public agencies would be authorized to apply to the office for reimbursement from available federal funds of specified costs. The office would be required to seek federal funding for reimbursement of those costs, and to reimburse those costs to the extent that federal funding is available for that purpose.

The people of the State of California do enact as follows:

SECTION 1. (a) The Office of Emergency Services, with the appropriate assistance of the Public Utilities Commission, shall lead and coordinate, during the 2008 calendar year, a single joint exercise simulating a train derailment within the County of San Bernardino, including the City of San Bernardino, in a residential neighborhood and near a school during school hours, according to procedures developed by the office and the commission.

(b) The office shall request the participation in the joint exercise of state, local, and private entities that would normally be involved in a chemical spill from a train affecting a 5-mile radius, including the rail carriers that transport hazardous materials utilizing railroad lines running through the County of San Bernardino. The exercise shall focus on evacuation procedures, agency coordination, communications, and critical decisions. The major objectives of the simulated derailment shall include, but not be limited to, all of the following:

(1) Assessing internal and external communications, with emphasis on notification procedures for communicating the nature and scope of the emergency situation, including, but not limited to, all of the following:

(A) Communications between the rail carriers and emergency responders, including who contacts the first responders at the scene, and including a backup plan.

(B) Status of the train rail cars and what kind of evacuation efforts will be needed.

(C) Status and location of all trains on the rail involved and the nearby rails.

(2) Assessing the effectiveness of the emergency response training and equipment for a train derailment and resulting hazardous materials spill, including, but not limited to, both of the following:

(A) Identifying specialized equipment for containment and evacuation operations based on the types of exposure to be expected.

(B) Identifying specialized personal protective equipment to ensure responder safety and effectiveness.

(3) Assessing coordination and use by all responding state, local, and private entities participating in the National Incident Management System.

(4) Assessing cleanup and site mitigation procedures.

(c) The office, with the appropriate assistance of the commission, shall report its findings, based on the objectives set forth in subdivision (b), to the Governor and the Legislature no later than 60 calendar days after the joint exercise has been conducted. The findings shall additionally include at least all of the following information:

(1) Current capabilities.

(2) The duration of the simulated derailment.

(3) Procedures that were inadequate and why they were inadequate.

(4) Procedures that were successful and why they were successful.

(5) Needed improvements in equipment and future training.

(d) Each participating entity shall bear its own costs for participation in the joint exercise, except that local public agencies may apply to the office for reimbursement from available federal funds of any costs exceeding those costs incurred for their normal day-to-day operations.

(e) (1) The office shall seek federal funding for reimbursement of costs incurred by local public agencies in participating in the joint exercise, exceeding those costs incurred for their normal day-to-day operations.

(2) The office shall, upon application by local public agencies, reimburse the local public agencies for the costs described in paragraph (1) from any federal funding received pursuant to that paragraph, but only to the extent that federal funding is available for that purpose.

SEC. 2. The Legislature finds and declares that due to the unique circumstances of the County of San Bernardino with respect to the volume and frequency of transport of hazardous materials over the county's rail lines, a general statute cannot be

made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the special legislation contained in Section 1 of this act is necessarily applicable only to the County of San Bernardino.

Approved _____, 2006

Governor